

REMARKS

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of the following two (2) groups of claims:

- Group I: Claims 1-10 and 15, drawn to a diagnostic method for detecting and identifying bacterial species causing infections from a clinical sample; and
- Group II: Claim 11-14 and 16, drawn to a DNA primer mixture and oligonucleotides probes, and a kit comprising the DNA primer mixture and oligonucleotides probes, and reagents required to perform the assay

The Examiner has also required election of no more than one combination of sequences from Group III below:

- Group III: the individual SEQ ID Nos. 1-19, representing oligonucleotide probes generic to claim 14.

In response, Applicants hereby elect the invention defined by the Examiner as Group I, Claims 1-10 and 15, drawn to a diagnostic method for detecting and identifying bacterial species causing infections from a clinical sample; and the following combination of sequences: SEQ ID NOS: 1, 3, 5, 7, 9, 11, 13, 15 and 17-19.

The response to the requirement for restriction between Groups I and II is made with traverse. The reasons for traversal are as follows:

The Examiner has stated that the method of Group I is anticipated by the prior art (citing Moeckel et al., U.S. Patent Application Publication No. 2003/0166884). In response, Applicants respectfully submit that Moeckel et al. does not anticipate the subject matter recited in Group I. In particular, the reference does not teach or even suggest a method comprising using both the DNA primers and the species-specific probes of claim 1. Accordingly, the inventions listed as Groups I and II relate to a single inventive concept, and Applicants respectfully request reconsideration and withdrawal of at least this aspect of the Restriction Requirement.

The response to the Restriction Requirements has been made without prejudice or disclaimer to any of the non-elected subject matter. Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to any of the non-elected subject matter.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

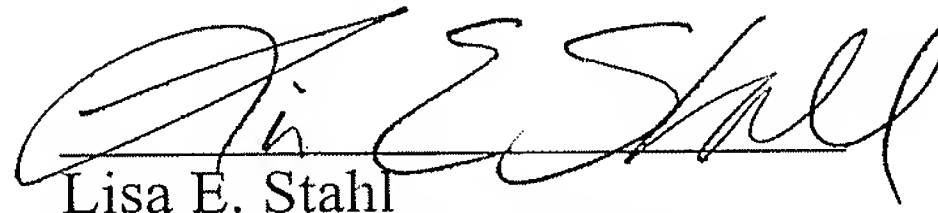
In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 23, 2008

By:

A handwritten signature in black ink, appearing to read "Lisa E. Stahl", written over a horizontal line.

Lisa E. Stahl

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